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9 **FEDERAL COMMUNICATIONS COMMISSION**

10 In the Matter of Restoring Internet Freedom ) WC Docket No. 17-108  
11 ) **COMMENTS OF**  
12 ) **INTERNET LAW CENTER**  
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29 As a law firm that represents numerous starts up and has participated in the booming and  
30 innovative Silicon Beach economy here in Southern California, I am a well aware of how the  
31 internet fuels innovation and brings value to consumers.

32 As an award winning blogger, I am very much aware of how the internet has promoted  
33 robust debate on a variety of issues from hot button political topics to the mundane over what a  
34 color a dress may be.

35 As the host of the long-running Cyber Law & Business Report, I have devoted many  
36 shows to the need to expand broadband access in the United States, to remain competitive in  
37 broadband speeds and how the larger internet service providers have played a role in stifling  
38 competition particularly at the municipal level.

39 I am writing because I am concerned that the Notice of Proposed Rulemaking will be  
40 harmful to the internet, will stifle innovation, endanger free speech and fail to address the needs of  
41 expanding high-speed broadband in the United States.

42 I would like to borrow from my comments recently published in Huffington Post on this  
43 issue.

1           **I.       NET NEUTRALITY IS NOTHING NEW**

2           First, let's deal with the basics. Net neutrality is not some new concept that President  
3 Obama pulled out of a hat, but rather is a principle dating back to the Pacific Telegraph Act of  
4 1860 that communication providers not discriminate in transmitting content and instead  
5 impartially transmit all messages in the order of their reception.

6           All this changed, however, under President George W. Bush when his FCC Chairman  
7 elected to remove broadband services from common carrier obligations under the  
8 Communications Act. President Obama's Net Neutrality regulations simply reasserted the FCC's  
9 authority and restored longstanding rules against discrimination.

10           **II.       NET NEUTRALITY IS ABOUT FREE SPEECH**

11           Net Neutrality is all about ensuring a free and open internet where robust debate is not  
12 stifled by internet service providers (ISPs). For example, Verizon, which challenge the regulations  
13 in court, had blocked pro-choice text messages and argued during its challenge to the rules that it  
14 had a First Amendment right to censor traffic on its network. Another ISP blocked access to  
15 nearly 800 websites supporting a union strike against the carrier.

16           The repeal effort is yet another example of powerful corporate interests trying to suppress  
17 free speech as demonstrated in the recent documentary "*Nobody Speak: Trials of the Free Press*"  
18 and Donald Trump's war against a free press.

19           **III.       NET NEUTRALITY IS ABOUT INNOVATION AND COMPETITION**

20           A free market in which consumers are allowed to pick and choose the devices, programs  
21 and services they like promotes competition and advances innovation. AT&T, Sprint and Verizon  
22 have all blocked competing products ranging from Google Wallet to Skype, while a number of  
23 ISPs have redirected internet search results to the ISPs favored browser.

24           **IV.       NET NEUTRALITY IS ABOUT CONSUMER**  
25                   **CHOICE AND NON-DISCRIMINATION**

26           Net Neutrality is about consumer choice and non-discrimination. Net Neutrality seeks to  
27 ensure that the consumer is able to freely use the websites and services they select when they  
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1 select them. ISPs, however, want to pick favorites. Comcast has throttled and blocked users to  
2 prevent access to file sharing sites; MetroPCS has blocked streaming video; while AT&T has  
3 throttled heavy users in its “unlimited data” plan.

4 ISPs also dream of an internet with toll lanes, where they can give preferred access to  
5 websites that pay for priority access as Comcast demanded of Netflix and Verizon conceded it  
6 hoped to do so in its court challenge.

## 7 **V. THE NPRM IGNORES ACTUAL HARM** 8 **AND FINDS HARM WHERE NONE EXISTS**

9 FCC Chairman Pai recently shut down investigations into AT&T and Verizon who  
10 effectively charged more for the use of third-party streaming media by excluding their own  
11 streaming media apps from customers’ data caps. Amazingly, Pai questions whether the FCC even  
12 needs to address issues such as throttling and paid priority lanes.

13 While Pai and others falsely condemn Net Neutrality as a government takeover of the  
14 internet, the reality is that Pai’s proposal shifts control of the internet from you to the ISPs.  
15 Essentially, Chairman Pai is asking us to trust the kind-hearted ISPs like AT&T who sued to block  
16 the Net Neutrality rules but claims it will participate in the Day of Action because it supports a  
17 free and open internet.

18 The Internet Law Center agrees with the filing of the Internet Association that:  
19 There is no reliable evidence that the 2015 Order has reduced ISPs’ investments  
20 in broadband infrastructure. Comprehensive economic research by IA has found  
21 that ISP investment is up over time, and shows no decline as a result of the  
22 Commission’s 2015 Order...Multiple, independent metrics — from actual  
23 capital expenditure numbers, to capacity, to prices — demonstrate that ISP  
24 claims of depressed investment don’t mesh with reality.”

## 25 26 **CONCLUSION**

27 The Internet Law Center firmly believes that the internet belongs to netizens and that  
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1 internet service providers should not be able to use their position to prevent competition, choice or  
2 free speech. Unfortunately, the NRPM is leading us down that path and must be rejected.

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5 Dated: July 17, 2017

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